



US Army Corps  
of Engineers  
Seattle District

# Public Notice of Application for Permit

**US Army Corps of Engineers**

Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone: (814) 235-1761  
ATTN: Marion Gall  
Project Manager

**Public Notice Date:** February 2, 2021

**Expiration Date:** February 17, 2021

**Reference No.:** NWS-2012-1194  
(Coast Seafoods Company)

The Corps will review the work in accordance with Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. The Washington Department of Ecology (Ecology) will review the work separately pursuant to Section 401 of the CWA, with applicable provisions of State water pollution control laws and the Coastal Zone Management Act.

The Corps will also review the work in accordance with Section 14 of the Rivers and Harbors Act of 1899, as codified at 33 U.S.C. Section 408 (Section 408), for work that may alter a Corps civil works project. An alteration is defined as any action that builds upon, alters, improves, moves, occupies or otherwise affects the usefulness, or the structural or ecological integrity of a Corps federally authorized project.

APPLICANT: Mr. Tim Morris  
Pacific Shellfish Nahcotta LLC  
1200 Robert Bush Drive  
South Bend, WA, 98586

AGENT: Miranda Ries  
Pacific Shellfish/Pacific Seafood Company  
1200 Robert Bush Drive  
South Bend, WA, 98586

LOCATION: In a 29.75-acre project area (24.50-acre cultivation area) in Willapa Bay, Pacific County, Washington. The work is proposed on parcel numbers 79001000282, 79001000226, 79001001232. The latitude/longitude coordinates for the project area are as follows:

Latitude	Longitude
46.68363	-123.934
46.68331	-123.933
46.68164	-123.93
46.68314	-123.929
46.68526	-123.931

Latitude	Longitude
46.68672	-123.937
46.68426	-123.934
46.68404	-123.935
46.68421	-123.935
46.68337	-123.94
46.68379	-123.94
46.68514	-123.938
46.68578	-123.938

**Project Description:** To continue to commercially cultivate up to 24.5-acres of on bottom Pacific oysters (*Crassostrea gigas*) between the +1.0' and -1.0' Mean Lower Low Water

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(MLLW) tidal elevations. The work involves preparing the bed by depositing no more than 1-inch of shell or gravel as needed. On-site inspections by farm management will be performed prior for any bed cleanup prior to planting. The seed oysters are dispersed by boat or scow at high tide. Beds are harrowed periodically depending on the substrate conditions that are most often influenced by sediment deposition or burrowing shrimp densities. Oysters are harvested by hand at low tide or using mechanical harvest method (not hydraulic harvester). The crop cycle is 2-3 years depending on site specific conditions. Harvest will occur year- round.

PURPOSE: To continue to commercially cultivate Pacific oysters for human consumption.

ADDITIONAL INFORMATION: A permit will be issued for 6-years to ensure two full crop cycles.

Copies of this public notice which have been mailed or otherwise physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at <http://www.nws.usace.army.mil/> and under the heading Open Public Comment Periods select Regulatory Public Notices. Recently issued public notices are listed in chronological order of the date of issuance. Select and view the listing for this project.

The boundaries and/or location of the ordinary high-water mark/line of mean high water/high tide line shown on the project drawings have not yet been verified by the U.S. Army Corps of Engineers (Corps). If the Corps determines the boundaries of the waters are substantially inaccurate a new public notice may be published.

MITIGATION: No mitigation is proposed

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of the ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area.

If the U.S. Army Corps of Engineers (Corps) determines that the proposed action may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

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**CULTURAL RESOURCES:** The work has previously been permitted by the Corps and reviewed for Section 106. A search of the Washington Information System for Architectural and Archaeological Records Data online database showed no previously recorded historic properties in the permit area. The nature, scope, and magnitude of the work to be permitted is such that there is little likelihood that a historic property exists or may be affected, given: 1) it involves permitting of an existing shell fish operation; 2) harvesting is taking place in areas that have already been commercially harvested for the same species of shellfish in the past; and 3) no new ground disturbance is authorized. We are requesting your comments and would like to know if you have any knowledge or concerns regarding historic properties, including sites of religious and cultural significance that would be potentially affected by the permitted activity.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

**COMMENT AND REVIEW PERIOD:** Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether authorizing the work would not be contrary to the public interest. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to [marion.gall@usace.army.mil](mailto:marion.gall@usace.army.mil).

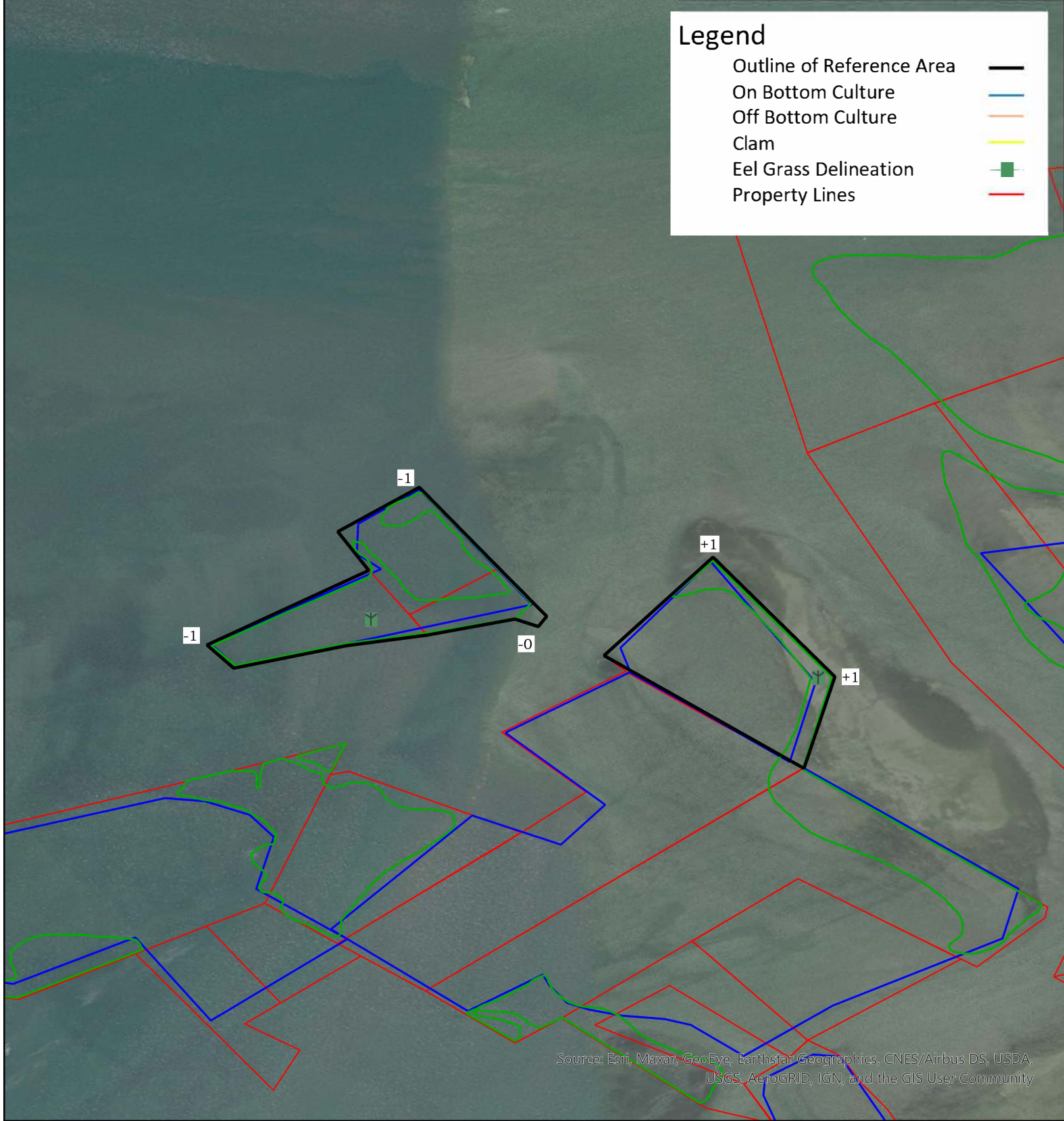
## **NWS-2012-1194 (Coast Seafoods Company)**

Conventional mail comments should be sent U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commenter's name, address, and phone number. All comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act including any personally identifiable information such as names, phone numbers, and addresses. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number: NWS-2012-1194 (Coast Seafoods Company)

Encl: Plans (4 of 4)

### Legend

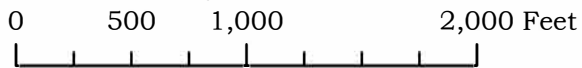
- Outline of Reference Area —
- On Bottom Culture —
- Off Bottom Culture —
- Clam —
- Eel Grass Delineation —
- Property Lines —



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Company Name: Pacific Shellfish South Bend LLC  
 Project Name: Willapa-Adair Private Lease  
 Attachment Reference:  
 Date: July 6, 2020

Parcel List:  
 79001000282  
 79001000226  
 79001001232



GPS Coordinates on Page 2

Description	Current
Adair Private Lease	29.75 Acres
On Bottom	24.50 Acres
Off Bottom	0 Acres
Clam	0 Acres
Natural Catch	0 Acres

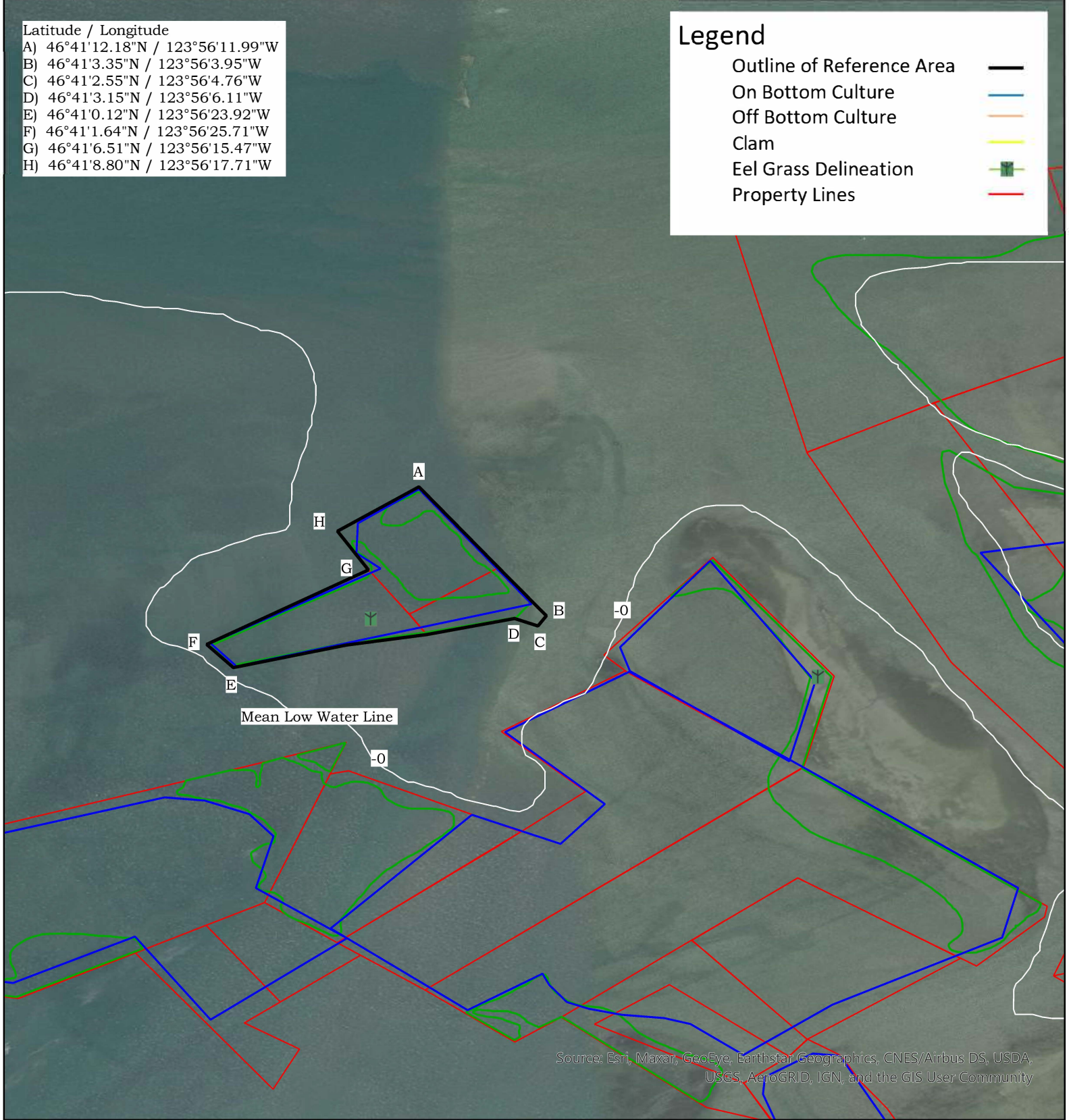




Latitude / Longitude  
 A) 46°41'12.18"N / 123°56'11.99"W  
 B) 46°41'3.35"N / 123°56'3.95"W  
 C) 46°41'2.55"N / 123°56'4.76"W  
 D) 46°41'3.15"N / 123°56'6.11"W  
 E) 46°41'0.12"N / 123°56'23.92"W  
 F) 46°41'1.64"N / 123°56'25.71"W  
 G) 46°41'6.51"N / 123°56'15.47"W  
 H) 46°41'8.80"N / 123°56'17.71"W

**Legend**

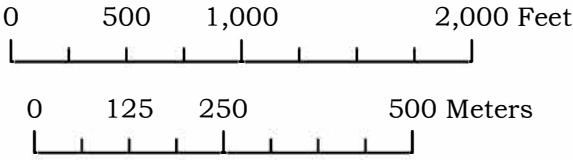
- Outline of Reference Area —
- On Bottom Culture —
- Off Bottom Culture —
- Clam —
- Eel Grass Delineation —
- Property Lines —



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Company Name: Pacific Shellfish South Bend LLC  
 Project Name: Willapa-Adair Private Lease  
 Attachment Reference: NWS-2012-1194  
 Date: Jan. 28, 2021

Parcel List:  
 79001000282  
 79001000226



Description	Current
Adair Private Lease	16.69 Acres
On Bottom	14.00 Acres
Off Bottom	0 Acres
Clam	0 Acres
Natural Catch	0 Acres

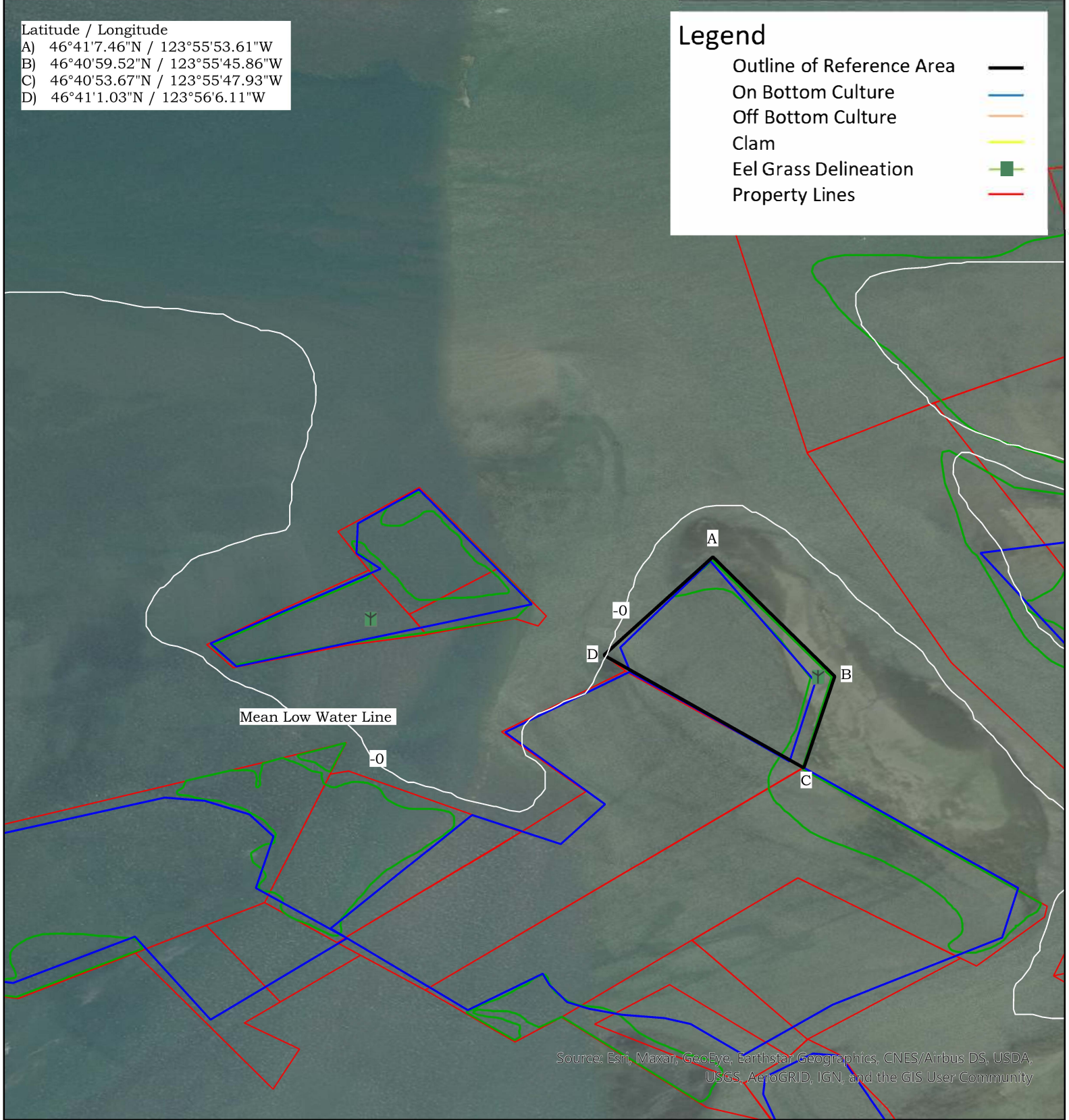




Latitude / Longitude  
 A) 46°41'7.46"N / 123°55'53.61"W  
 B) 46°40'59.52"N / 123°55'45.86"W  
 C) 46°40'53.67"N / 123°55'47.93"W  
 D) 46°41'1.03"N / 123°56'6.11"W

**Legend**

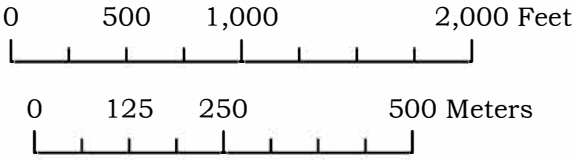
- Outline of Reference Area ———
- On Bottom Culture ———
- Off Bottom Culture ———
- Clam ———
- Eel Grass Delineation —■—
- Property Lines ———



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Company Name: Pacific Shellfish South Bend LLC  
 Project Name: Willapa-Adair Private Lease  
 Attachment Reference: NWS-2012-1194  
 Date: Jan. 28, 2021

Parcel List:  
 79001001232



Description	Current
Adair Private Lease	13.06 Acres
On Bottom	10.50 Acres
Off Bottom	0 Acres
Clam	0 Acres
Natural Catch	0 Acres

